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No. IX.

HUDSON'S BAY COMPANY.

*A List of the Names and Stocks of the Governor and Company of the Adventurers of England, trading to Hudson's Bay. Every Hundred Pound Stock is to have one Vote, and no Person not having Two Hundred Pound Stock are capable to be chosen of the Committee†.*

His Royal Highness the Duke of York	-	£300	
His Highness Prince Rupert	-	270	
Duke of Albemarle	-	£300	Sir Peter Colleton - £300
Earl of Arlington	-	200	Mr. Cooke - 50
Mr. Charles Baylie	-	300	William Dashwood, Esq. - 150
William, Earl of Craven	-	150	The Lady Drax - 300
Sir George Carteret	-	300	Alderman John Foorth 450

\* The domestic consumption, to a certain amount, is supplied by the Sugar of the Maple.—E.

Rec'd Apr 6/79

† See above, page 72, Bibliography, art. 19, 20, 21, 22, 24.—E.

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HUDSON'S BAY COMPANY

*A Series of Six Documents on the Hud-  
son's Bay Company - reprinted from the  
COLONIAL JOURNAL of 1817.*

- No.1 - A list of names and stocks  
of the company*
- No.2 - The case of the Hudson's Bay  
Company*
- No.3 - Reasons for the continuance  
of the former ACT*
- No.4 - The case of the owners and  
proprietors of the ship  
CHARLES seized by the company*
- No.5 - Reasons humbly offered against the  
continuance of the ACT*
- No.6 - An ACT confirming privileges  
and trade (Not printed in  
the Statute Book)*

*Reprinted in a limited edition by Canadiana  
Library Service, Toronto, January - 1967*



Alderman Dannet Foorth	- £300	Francis Millington, Esq.	- £300
Mr. James Foster	- 100	Sir Paul Neale	- 200
Sir John Griffith	- 300	William Prettiman, Esq.	- 300
Sir Edward Hungerford	- 300	Mr. John Portman	- 300
Sir James Hayes	- 600	Sir John Robinson	- 400
Mark Hildesley, Esq.	- 300	Earl of Shaftsbury	- 600
Mr. Richard Hawkins	- 300	Sir Robert Vyner	- 200
John Kirke, Esq.	- 300	Mr. Nehemiah Walker	- 150
John Lindsey, Esq.	- 300	William Young, Esq.	- 300

The names of the Governor, Deputy Governor, and Committee, from November, 1672, to November, 1673 :

His Highness Prince Rupert, Governor.  
Sir John Robinson, Deputy Governor.

*Committee.*

Sir Robert Vyner.	Francis Millington, Esq.
Sir John Griffith.	Mr. John Portman.
Sir James Hayes.	Mr. Richard Hawkins.
John Kirke, Esq.	

No. X.

*The Case of the Hudson's Bay Company.*

THE Kings of England, by right of discovery, and premier occupancy, for above one hundred years since, have the sole right, full title, and sovereignty of all the seas, lakes, bays, rivers, creeks, &c. as well as the countries, confines, and territories, within the entrance of the Straits of Hudson; and the same was navigated but by English ships and English subjects, till the late encroachments of the French, many years since the incorporation of this company.

Though the navigation was discovered so long since, yet no trade was established with the native Indians till about twenty years past, when several persons of quality, and others, having made some private voyages, and finding that a considerable trade for beaver, and other furs, might be settled with the savage Indians, his late Majesty, King Charles the Second, was pleased, by his Letters Patent, bearing date the second of May, 1670, to incorporate the adventurers; and in pursuance of the aforesaid inherent right in the crown of England, did, by his Royal Charter, make a free grant to His Highness Prince Rupert, Christopher Duke of Albemarle, William Earl of Craven, and others his subjects and their successors, for ever, of all those seas, straits, rivers, lakes, and creeks, in whatsoever latitude, from the entrance of the Straits, commonly called Hudson's Straits; together with all the lands and territories upon the countries, coasts, and confines; and that the same should be reckoned and reputed as one of His Majesty's



plantations and colonies in America, by the name of Rupert's Land, and did further make and constitute the said company and their successors the true and absolute lords and proprietors thereof, to hold in free and common socage, as of his manor of East Greenwich, in Kent, reserving an acknowledgment or rent for the same to His Majesty, his heirs, and successors; and granting to the said Company the sole trade thereof, with prohibition to all others from trading within their limits, without their license, upon forfeiture of ships and goods so offending, which hath also by proclamation been published and made known. By which inherent right of dominion and property in His Majesty to the country and places, it is humbly conceived His Majesty's said grant doth extremely differ from his charters to the East India Company, or the African Company.

The said Company, since their incorporation, have erected forts, settled several factories, built ships, employed many seamen, and considerably exported the manufactures of these nations; and, in the course of their trade for so many years, have not only actually lost thirteen ships, but been at above two hundred thousand pounds charge; which makes it evident that nothing but a company and a joint-stock could have laid the foundations of so considerable a trade amongst infidels, and have been able to support so great a charge, and so many incident losses that naturally attend that voyage.

In particular this Company hath suffered more by the French than any company in England, the French having even in time of peace committed many outrages against them, taken their ships at sea, invaded their factories by land, robbed them of their goods, burnt their houses, murdered several of their Majesty's subjects, and carried others prisoners to Quebec; that the French have had the insolence not only to justify those their unjust invasions, but (according to the method of that nation to encroach upon all the world) have pretended a right to Hudson's Bay, and by a strange confidence against all English discoveries of almost two hundred years since, and all maps that ever were extant, to make it a dependence upon Canada, and to give out that in a short time they would not only have that, but New York and New England too; but this Company will undertake to make out, that the crown of France had no right to Canada itself, but that it, and some other territories, were not only many years in the English possession, but that it is unjustly detained by the French, upon pretext of terms and conditions, (according to the faith of that nation,) never performed to this day.

Some particular men of our own nation also, who have disturbed this Company in their trade, and disputed the powers of their grant and charter, have never attained any benefit to themselves, but either given advantage to the French, or perished in the voyage, which is extreme hazardous, through the mountains of ice which must be passed; as above eighteen months since the company's ships, sailing in Hudson's Bay, met an English ship interloping there, and in distress in the ice, just ready to sink, the Company's ship, (seasonably by God's providence,) saved all the men's lives, and the ship sunk immediately. Nor is the beaver trade to



be maintained or improved by a single or sudden voyage of any undertaker, but by the public charge of fortified forts and established factories to abide there, with a constant correspondency with the Indians, that they may be assured where settled factories are, to resort to at the time of year, to trade with for their beavor.

All which extraordinary losses sustained from the French, and incurred by the natural hazard of the voyage to and from such a climate, is the more largely insisted upon, to demonstrate that this trade, (which twenty years ago was not one penny benefit to this kingdom, and is now above twenty thousand pounds per annum advantage,) could never have been well begun, nor effectually prosecuted, but by a company in a joint stock; and all the undertaking by single persons, (who would have regarded their several and distinct interests,) must have been rendered fruitless, through the many disasters and losses which would have befallen most of them, if not all, it being impracticable to raise any considerable trade in a remote country, amongst savage Indians, without forts and factories erected and settled amongst them, and furnished with store of all trading goods for their constant supply; and more especially against those potent rivals the French, who manage that particular trade of beavor under the counsels of the Jesuits, to whom it is granted by the French king.

All which is humbly submitted to this honourable house.

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## No. XI.

### *The Case of the Hudson's Bay Company. Reasons for the Continuance of the former Act.*

I. THIS trade is managed and carried on only by the exportation of the woollen and other manufactures, and the commodities of the product of this kingdom, and hath brought a very great advantage to it, which before rendered not one penny. And in particular, the price of beavor hath been reduced to six or seven shillings a pound, which formerly was sold at more than three times that price.

II. It is impossible to manage and preserve this trade without strong forts, (as well for security against the Indians, as the invasions of the French,) who in times of peace have surprized and taken this company's forts, besides other barbarities and injuries they have done them; and also settled factories stored with considerable quantities of goods proper for the Indians, whereunto the wandering people may (and do) resort and are constantly supplied.

III. The Company hath sustained very great losses by the invasions of the French, in time of peace, and during the late war; and hath, ever since the making of the act, been hindered in the prosecution of several probable and advantageous discoveries and improvements of the said trade, by the means before mentioned.

IV. If this Company be not supported and continued, all the countries



about Hudson's Bay, and the whole trade there, will unavoidably fall into the hands of the French, (they having formed such pretences thereunto already,) and thereby, not only the advantages to this nation by the exportation of our manufactures, and in divers other respects, will be utterly lost, but the price of beavor, and other furs and commodities imported from Hudson's Bay, will be enhanced and raised to the former prices or greater.

V. The Company have made no dividend since the year 1690, and have run themselves much in debt to support this trade to the nation, and are under great fears of being dispossessed by the French of that which remains in the possession of this company in Hudson's Bay.

So that it is humbly conceived, that nothing but a company in a joint-stock, could be at the great expense of settling, or can preserve this trade, nor sustain such mighty losses, nor bear up against those potent rivals, the French, who, (if they may retain it,) have gotten possession of a great part of Hudson's Bay, and design the whole beavor trade, and manage it in particular by a company, called the Canada Company, under the counsels of the Jesuits, who have the sole benefit of this trade, by grant from the French king.

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## No. XII.

*The Case of the Owners and Proprietors of the Ship and Goods, Charles, seized by Order of the Hudson's Bay Company, as the said Ship was sailing on the High Seas in or near Hudson's Straits\*.*

IN the year 1683, Charles Boon, Esq. and others, fitted out the Ship Charles, with a cargo amounting in the whole to about £2000 sterling, for discovery of trade in some unfrequented places in the north-west part of America; they paid the King's duties for all the goods they exported, cleared their ship at the Custom-House, and also at Gravesend, and pursued their intended voyage with a fair wind. But on the high seas, near Hudson's Straits, was met by a ship belonging to the Hudson's Bay Company, Captain Walker, commander, who took this opportunity, and under the pretence of friendship, when the men on board were not aware of it, seized the said Ship Charles with all her effects, took the men out of her, and put men of his own on board her, and produced the Hudson's Bay Company their warrant for his so doing. They pretended to carry the ship and cargo to one of the company's factories in Hudson's Bay, but purposely run her upon the rocks, and cast her away, whereby the tort being committed on the high seas; and the goods not landed, the owners of the said ship and goods were disabled to sue for satisfaction in any other court but in the High Court of Admiralty, where no action for damages can be tried; and the prerogative running so high in the late reigns, that the proprietors hardly daring to call the ship their own, they had no means left them to redress

\* See above, page 72, Colonial Bibliography, No. 24; referred to, in the note, by mistake, as No. 25.—E.



themselves, but to refer themselves to the Company. Application, therefore, being made, to the said Company, for satisfaction for the ship and goods, by some of the proprietors; some of the members of the Company promised, that if the proprietors would be quiet and still, and not trouble the Company, nor interrupt them in their endeavours to procure an act of parliament for confirming their charter, they would endeavour, and did not doubt to persuade the Company to give some satisfaction to the proprietors for their ship and goods, and the proprietors did rely on the integrity of those members, and justice of the Company, who, when they had obtained an act of parliament, did forget and do now deny their promise.

And the proprietors have had no manner of satisfaction for their ship and goods to this day.

Wherefore the proprietors did petition the honourable House of Commons, that if in their great wisdom they should think fit to prolong the term for confirming the Hudson's Bay Company charter, a proviso may be added, to enable the owners and proprietors of the ship Charles and her loading, to sue the said Company in any of his Majesty's courts at Westminster, as if the tort had been committed in the city of London or county of Middlesex, and that the said Company and their successors may be debarred from demurring or pleading to the jurisdiction of the court, nor may plead to the statute of limitation, as being done above six years past.

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### No. XIII.

*Reasons humbly offered against the Bill for continuing a former Act for the confirming to the Hudson's Bay Company, their Privileges and Trade.*

I. THE former Act confirms the privileges and powers in the Company's charter, which, as is humbly conceived, are such as will not be thought reasonable to grant to any subjects, especially to be executed at such a distance, by persons who will not be free from temptations to act partially. An abstract of the said charter follows.

*Abstract of the Hudson's Bay Company's Charter, dated the 2nd of May, 1670.*

Prince Rupert, and others to be admitted, are incorporated by the name of the Governor and Company of Adventurers of England Trading into Hudson's Bay.

Power to purchase lands, &c.—and again to alien the same.

May have a common seal.

The election of a governor and committee.

And they to have the direction of all the affairs of the company.

Prince Rupert and others appointed the present governor and committee.

Election of a deputy governor, and his oath.

New elections to be every year between the first and last of November:



The governor's oath.

All members of the Company now and hereafter to take such oath, as by the governor and Company, in a public court, shall be in reasonable and legal manner set down and devised.

Election of the committee—and oath of a committee-man.

If a governor, or deputy-governor, or a committee-man die, or be removed, (and they are made removable by the Company,) others to be chosen in their room.

Grant of the sole trade to all places within Hudson's Straits, not possessed by or granted to any other.—And all fishing.—And all mines.

Called Rupert Land.—And granted for ever.

Power to make by-laws.

And may impose such pains, penalties, and punishments, on offenders, as they think fit.

And may, by their officers, levy the same. So as the said by-laws be reasonable, and not repugnant, but as near as may be to the laws of this realm.

A further grant of the whole trade to all places they can find entrance into, by sea or land, from Hudson's Bay.

And no other person to visit the same, on forfeiture of ship and goods.

And to suffer such other punishments as to the King shall seem meet, and not to be delivered till they shall enter into a bond of £1000, never after to trade thither.

That the King will not license any others to trade thither.

And if any member do not pay the stock he subscribes, in twenty days, to be disfranchised.

The Company may admit such servants or factors into the company as they shall think fit.

Every £100 stock to have a vote, and less than £100 may join their stocks together for votes.

The Company to send governors and other officers.

And the governor and council to judge all persons, in all causes, civil and criminal, according to the laws of this kingdom, and to execute justice accordingly.

And where no governor and council is, the chief factor may transmit the offender where there is, or into England.

Power to send ships of war.

And to make peace or war with any that are not Christians.

And to grant or take reprisals upon all people that injure them in the said trade, within the limits granted by this charter.

May build forts, &c.

May carry over ammunition and men.

Power to seize on all persons who shall sail into Hudson's Bay, or inhabit there, and to send them to England.

If any person abroad appeals to England, the governor may seize him, and send him home a prisoner.

The Company's governor or agent abroad may examine all persons upon oath.



All admirals, &c. and all justices, &c. to be aiding, to put the premises in execution.

Any statute, &c. to the contrary, notwithstanding\*.

II. The Bill recites in the Preamble, that the former act has, by experience, been found useful and beneficial, whereas, on the contrary, it has not served for any advantage to the trade, only for stock-jobbing, whereby many persons have been drawn in, and suffered great loss; for that, some time before the Company was established by act of Parliament, twenty and fifty per cent was divided out, and a few months after the passing the act, the stock was trebled, and £100 credit in the books made £300, and that £300, (which was, in truth, all the while but £30,) sold for £300, and upwards, per cent., so that £300 original stock was sold for £900, and upwards, without any apparent great profit made by the trade.

III. The places allowed to this Company are of large extent, the Bay being above one thousand miles deep, and the trade thither capable of being greatly enlarged, both for the expense of our woollen manufactures, and catching of whales, seals, &c., and bringing greater quantities of furs home.

IV. The Company sell our own manufactures so dear, as to purchase the beaver for six-pence which they sell here for six shillings, which has two fatal inconveniences:—1. It hinders the Indians from wearing our manufactures, which, otherwise, by degrees they would come to do, as they have been brought to do at New England and New York. 2. It carries great part of the trade to the French at Canada, which, otherwise, the English would have in Hudson's Bay.

V. The stock of the present Company is but £10,550, and they owe money at interest, for which the common seal only is security.

VI. No trades managed with joint stocks have been observed to thrive, but, on the contrary, all open trades have improved; witness all the trades to all the parts of the West Indies, and particularly that to Pennsylvania lately, from sending £500 a-year, to the sending £5000 a-year.

VII. Joint stocks are in themselves a monopoly, and have all the ill-consequences of it, there being but one buyer and one seller, and this Company have, contrary to a proviso in the Act, sold by private contract, between their sales, at lower prices than they were set up at the preceding sale.

VIII. The Company do not sell their beaver fairly, but pick out the best, and sell the worst here, and send the best on their own account to Russia, which has many inconveniences; viz.

1. The Company hereby monopolize the trade outward as well as homeward, and have ruined the trade of the Russian merchants, who used formerly to buy and export beaver thither, but now what they send, they are constrained to buy in Holland, and send from thence.

2. Hereby the Company forestall the market of private traders abroad, and undersell them, which they can afford to do, buying their beaver so cheap, and, by degrees, will obtain the whole trade to foreign parts to themselves. And also, hereby,

3. They greatly prejudice the New England and New York trade, in the beavor they bring home.

4. Though the Company sell the worst here, yet they sell it at what price they please, and force our manufacturers to work up the worst, whereas, formerly, the English kept the best, and sent the worst abroad.

5. The skins only being used in Russia, when the wool is combed off, they in Russia used to comb off and return us the wool, whereas now the way of combing off the wool is found out in England, and we do it better than they; and if the Company sold all here, as they ought to do, the wool would be combed off here before it is sent thither, which would, 1st. employ many manufacturers here. 2dly. The wool would be cheaper to them, and, consequently, beavor hats afforded cheaper. And, 3dly, Some custom to the Crown would be saved, for the wool being exported with the skin, draws back part of the duty, and pays none when it is returned again.

IX. These and many other inconveniences cannot be redressed, whilst a Company with a joint stock is established, for that no private persons can contend at law with their joint stock, and this Company, (as other companies,) have formerly, by pretence of their charter, taken a ship with a great cargo, out of their limits, and two hundred leagues distant from their factories.

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#### No. XIV.

*An Act or confirming to the Governor and Company trading to Hudson's Bay their Privileges and Trade.*

2DO. GUIL. ET MARIE, No. 23.

[*Not printed in the Statute Book.*]

FORASMUCH as his late Majesty King Charles the Second, by his letters patent or charter, under the great seal of England, bearing date the second day of May, in the two and twentieth year of his reign, reciting or taking notice, that his then Highness Prince Rupert, Christopher Duke of Albemarle, William Earl of Craven, and divers other lords and persons therein particularly named, had, at their own great costs and charges, undertaken an expedition to Hudson's Bay, in the north-west part of America, for the discovery of a new passage into the South Seas, and for finding some trade for furs, minerals, and other considerable commodities; and that, by such their undertaking, they had made such discoveries whereby might probably arise much advantage to his said Majesty and this kingdom. For which, and for other the reasons and motives in the said Charter mentioned, his said late Majesty was graciously pleased thereby to incorporate, create, and make, the said Prince Rupert, Duke of Albemarle, Earl of Craven, and other the lords and persons therein particularly named, and such others as should be admitted into the society, (as therein is mentioned,) one body corporate and politic, in deed



and name, by the name of the Governor and Company of Adventurers of England, trading into Hudson's Bay, and by that name to have perpetual succession, and to sue and be sued, take, purchase, and grant. And by the said Letters Patent, or Charter of Incorporation, provision was made as well for the appointment and constitution of the first and present, as also for the choosing, appointing, and admitting, of all future governors, deputy governors, committees, members, and officers, of the said company, and for the making of laws, constitutions, and ordinances, and for the government of the said company, and trade and otherwise, and the sole trade and commerce of all those seas, straights, bays, rivers, lakes, creeks, and sounds, in whatsoever latitude they shall be, that lye within the entrance of the straights, commonly called Hudson's Straights. Together with all the lands and territories upon the countries, coasts, and confines of the seas, bays, lakes, rivers, creeks, and sounds, aforesaid, which were not then actually possessed by or granted to any of his said Majesty's subjects, or possessed by the subjects of any other Christian prince or state, with divers and sundry privileges, liberties, jurisdictions, franchises, powers, and authorities, to punish offenders, and to sue for and recover penalties, with other powers and authorities, matters, and things in the said Letters Patent, or Charter of Incorporation, mentioned and expressed, were thereby granted to and vested in the said governor and company, and their successors for ever, in such sort, manner, and form, as in and by the said Charter or Letters Patents and enrollment thereof, is mentioned and expressed, and as thereby it more fully appears. And forasmuch as the said governor and company, at their great charges, and with much difficulty and hazard, have settled and made great improvements of the trade to the said straits, seas, and places, aforesaid, which is now, and for several years past hath been found to be, useful and profitable to this kingdom and the navigation thereof, for furs, minerals, and other considerable commodities. And it appearing that the said trade cannot be carried on or managed so advantageously, either to the honour or interest of this realm, as in a company, and with a joint stock; and it being necessary that such a company should have sufficient and undoubted powers and authorities, privileges and liberties, to manage, order, and carry on, the said trade, and to make by-laws, orders, rules, and constitutions, for the due management and regulation, as well of the said company as trade, and for the punishment of offenders, and recovering of forfeitures and penalties, which cannot be so effectually done as by authority of Parliament, Be it therefore enacted, by the King and Queen's most excellent Majesties, by and with the advice and consent of the Lords spiritual and temporal and Commons, in this present Parliament assembled, and by the authority of the same, that the present Governor and Company of Adventurers of England, trading into Hudson's Bay, and their successors, shall, at all times, from henceforth, stand, continue, and be, a body politic and corporate, in deed and name, by the name aforesaid, and according to the purport and effect of the said Letters Patent or Charter, hereinbefore mentioned, bearing date the said second day of



May, in the two and twentieth year of the reign of his said late Majesty King Charles the Second, and all things therein contained be, and by virtue of this present Act shall be, from henceforth ratified, established, and confirmed, unto the present Governor and Company of Adventurers of England, trading into Hudson's Bay, and to their successors for ever. And also, that the said Governor and Company and their successors shall and may have, do, use, exercise, and enjoy, all and singular the liberties, privileges, powers, authorities, matters, and things, in the said Letters Patent or Charter mentioned to be granted to them. And also, that the said Letters Patent or Charter, and all and every the liberties, franchises, immunities, privileges, jurisdictions, powers, authorities, regalities, pre-eminences, hereditaments, matters, and things, whatsoever, and of what nature or kind soever, thereby given, granted, or limited, or mentioned to be given, granted, or limited, to the said Prince Rupert, Duke of Albemarle, Earl of Craven, and other the lords and persons therein particularly named, and thereby incorporated, and to the governor and company thereby created, made, or erected, and to their successors, and to all governors, deputy governors, committees, and other members, officers, and servants, of or upon the said governor and company, for the time being, and their successors, or otherwise howsoever, with and under such restraints and prohibitions, and subject and liable to such forfeitures and remedies for recovering thereof, as in the said Charter are contained, shall, from henceforth, be good, effectual, and available, in the law, to all intents, constructions, and purposes, to the aforesaid new Governor and Company of Adventurers of England, trading into Hudson's Bay, and to their successors, for evermore. And shall and may be, by the new governor and company, and their successors, from time to time, for ever hereafter holden and enjoyed, and put in execution after and according to the form, words, sentences, purport, effect, and true meaning, of the said Letters Patent or Charter. And that as amply, fully, and largely, to all intents, constructions, and purposes, as if the same Letters Patent or Charter, and the several matters and things therein mentioned, and thereby granted or mentioned to be granted, were, word for word, recited and set down at large in this present Act of Parliament, any law, statute, usage, custom, or other matter or thing whatsoever, to the contrary notwithstanding. Provided always, and be it further enacted, by the authority aforesaid, that the said governor and company shall make at least two public sales of Coate Beaver in every year, and not exceeding four. And that they shall proportion the same into lots, each of about one hundred pounds sterling, but not exceeding two hundred pounds value. And that in the intervals of public sales, the said company may not sell Coate Beaver by private contract, at any lower price than it was set up at the last public sale; and that the Coate Beaver now in the Company's hands, shall be liable to the same rules. Provided always, that this Act shall continue and be in force for the term of seven years, and from thence to the end of the then next session of Parliament, and no longer.

GEORGE ROSE, Cler. Parliamentor.



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